IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4666 OF 2006.
IN
FIRST APPEAL NO.1308 OF 1998.

Ramu Dadu Wakse. ... Applicant.
Versus.
Tukaram Vithoba Devlekar & anr. ... Respondents.

Ms.Vijay Manjrekar holding for Shri P.M.Havnur for the Applicant.

Shri R.B.Singh for the Respondent No.1.

Shri B.H.Mehta, A.G.P. for Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2007.

P.C.:

1. Heard the learned Counsel appearing for the parties. The son and Constituted Attorney of Respondent No.1 in this Civil Application has tendered on record an undertaking on oath. The learned Counsel for the 1st Respondent states that the son of the 1st Respondent is authorised to give the undertaking on behalf of the 1st Respondent and the undertaking of the son shall be treated as the undertaking of the 1st Respondent.

2. The undertaking is marked "X" for identification and is taken on record. The undertaking is accepted.

3. In view of the said undertaking and in view of the reply of the 1st Respondent, no case is made out for initiating any action under Rule 2A of Order XXXIX of

the Code of Civil Procedure, 1908. However, till disposal of the First Appeal, the 1st Respondent will have to be restrained from parting with possession of the suit premises without the permission of this Court.

4. Hence Civil Application is disposed of by the following order:

i) The undertaking of the 1st Respondent referred to above is accepted.

ii) The 1st Respondent is hereby restrained from parting with possession of the suit premises till disposal of the First Appeal without prior permission of this Court.

iii) There will be no order as to costs.

iv) The parties to act on an authenticated copy of this order.

Judge.